UNITED STATES DISTRICT COURT

DISTRICT OF CONNECTICUT
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NEW HAVEN 06508

SYLVESTER A. MARKOWSKI
CLERK

FRANCES J. CONSIGLIO
DEPUTY-IN-CHARGE
NEW HAVEN

December 7, 1973

A. Daniel Fusaro, Esq.
Clerk, United States Court of Appeals
for the Second Circuit
United States Courthouse
Foley Square
New York, New York

RE: Stanley V. Tucker vs. David T. Wiggins, et als
CIVIL NO. 15,574

Dear Mr. Fusaro:

Enclosed is the Record on Appeal in the above-entitled case, along with two copies of the Index for receipting purposes.

Very truly yours,

SYLVESTER A. MARKOWSKI
CLERK

BY_____
Deputy in Charge

M/C/m
Enclos.
cc: Mr. Stanley V. Tucker,
Robert K. Killian, Esq.
F. Michael Ahern, Esq.
David J. Della-Bitta, Esq.
Richard M. Cosgrove, Esq.
Mr. David C. Wiggins
Mr. Richard S. Woodhull
Mr. Edward Cowles
Mr. James P. Herlihy
Mr. James J. Gorry

CIVIL DOCKET

UNITED STATES DISTRICT COURT

15574

Ma Joseph Blumenfeld

Jury demand date: Jan. 26, 1973 by Plaintiff

D. C. Form No. 106 Rev.

TITLE OF CASE	ATTORNEYS
STANLEY V. TUCKER vs. DAVID T. WIGGINS, Individually and in his capacity as Director State Health Department for the State of Connecticut; RICHARD WOODHALL, Individually and in his capacity as Assistant to the Director of the State Health Department for the State of Conn.; JAMES P. HERLIHY, Individually and in his capacity as Senior Public Health Sanitarian for the City of Hartford; EDWARD COWLES, Individually and in his capacity as Housing Inspector for the City of Hartford; JAMES P. GORRY, Individually and in his capacity as Chief Plumbing Inspector for the City of Hartford	For plaintiff: Stanley V. Tucker, pro se 963 Capitol Avenue Hartford, Conn. 06106 For defendant: Robert K. Killian (For: David T. F. Michael Ahern Wiggins & Richard David J. Della-Ritta Woodhall) 30 Trinity Street Hartford, Conn. 06115 Richard M. Cosgrove (For: Herlihy, Cowles & Gorry) Deputy Corporation Counsel 550 Main Street Hartford, Conn. 06103
FOR DEFENDANTS: (Cont'd) Richard S. Woodhull, Pro se - Individual Assistant Director State Health Dept. 79 Elm Street Hartford, Conn. Edward Cowles, Pro se - Individual James P. Herlihy, Pro Se - Individual James J. Gorry, Pro se - Individual	David C. Wiggins, pro se - individual Director, State Health Dept. 79 Elm Street Hartford Conn.

STATISTICAL RECORD	COSTS		DATE 1973	NAME OR RECEIPT NO.	REC.	DISB.
J.S. 5 mailed	Clerk		1/29	Stanley V. Tucker	15 00	
J.S. 6 mailed	Marshal		1/31	Deposit: G.F.100869		15 00
Basis of Action: Declaratory Judgment action brought pursuant to 42 USC §§ 1983 and 1985(3), seeking	Docket fee		10/30	Stanley Tucker (Appeal)	5 00	
	Witness fees		10/31	Deposit: G.F.100869		5 00
Action arose out of damages for alleged violation of Constitutional rights by defendants in enforcing various State Statutes concerning property owned by Plaintiff. $220,000. Also see 3-Judge District Court.	Depositions					

15574

DATE 1973	PROCEEDINGS	Date Order or Judgment Note
1/26	Complaint, Jury Trial Demand and Petition for Three Judge Court, filed at Hartford. Summons issued and together with copies of same and of complaint, jury demand and Petition, handed to the Marshal at Hartford for service.	
2/13	Marshal's Return Showing Service, filed.-Summons & Complaint.	
"	Brief in Support of Application for Three-Judge Court, filed by plaintiff at Hartford.	
2/13	Application to Convene a Three-Judge District Court "Over to Feb. 20th". Blumenfeld, J. M-2/14/73	
2/21	Appearance of Robert K. Killian, Atty. General and F. Michael Ahern and David J. Della-Bitta, Asst. Attys. Generals entered for defendants David T. Wiggins, Director of State Health Dept. and Richard Woodhall, Asst. to Director in their official capacities.	
2/23	Appearance of Richard M. Cosgrove, Deputy Corporation Counsel, entered for defendants James P. Herlihy, Edward Cowles and James P. Gory.	
2/26	Plaintiff's Application to Convene a Three-Judge District Court "Over two weeks". Blumenfeld, J. M-2/27/73	
"	Stipulation for Enlargement of Time, filed and granted. Blumenfeld, J. M-2/27/73 Time for defendants to file responsive pleading extended until March 21, 1973. Copies mailed to all counsel.	
3/12	Plaintiff's Application to Convene a Three-Judge District Court "Off". (Asst. Atty Gen. David J. Della-Bitta appeared and stated parties had agreed to enlargement of time). Blumenfeld, J. M-3/14/73	
3/22	Motion to Dismiss and Notice of Motion, filed at Hartford and given to Judge Blumenfeld.	
3/26	Hearing on Application to Convene a Three-Judge District Court. Decision Reserved. One week for defendant to file brief and one week for plaintiff to respond. Blumenfeld, J. M-3/27/73	
4/4	Motion for More Specific Statement, Notice of Hearing and Memorandum of Law, filed by Plaintiff.	
4/2	Amended Motion to Dismiss, filed by defendants at Hartford.	
"	Brief in Opposition to Application for Three-Judge Court filed by defendants at Hartford.	
4/9	Plaintiff's Motion for More Specific Statement "Off". Blumenfeld, J. M-4/10/73	
"	Application (Ex Parte) with Notice to Defendants for Enlargement of Time to Respond to Defendant's Brief in Opposition to Application for Three Judge Court, filed by Plaintiff.	
"	Motion to Sever, Notice of Motion and Supporting Brief, filed by Plaintiff.	
4/10	Plaintiff's Motion for More Specific Statement, endorsed as follows: "Off - defendant's brief sets out the grounds of dismissal." Blumenfeld, J. M-4/12/73. Copies mailed to all counsel, and to plaintiff.	
4/10	Letter dated April 9, 1973 from plaintiff to Judge Blumenfeld, re Brief in Support of Motion to Dismiss and Application for Three Judge Court, filed.	
3/28	Request for Entry of Default against defendants David T. Wiggins, Individually, James P. Herlihy, Individually, Edward Cowles, Individually and James P. Gory, Individually for failure to appear or plead, filed by Plaintiff pro se.	

(Cont'd.)

C. 110 Rev. Civil Docket Continuation STANLEY V. TUCKER v. DAVID T WIGGINS, Ind. and as Director State Health Department, et als

DATE 1973	PROCEEDINGS	Date Order or Judgment Noted
4/16	Default entered under Rule 55(a) as to defendants David T. Wiggins, James P. Herlihy, Edward Cowles and James P. Gory, all individually only. Markowski, C. M-4/16/73 Copies to Plaintiff and counsel.	
4/18	Appearance of Robert K. Killian, Atty. General, F. Michael Ahern and David J. Della-Bitta, Asst. Attys. General entered for defendants David T. Wiggins and Richard Woodhall.	
"	Appearance of Richard M. Cosgrove, Deputy Corporation Counsel entered for defendants James P. Herlihy, Edward Cowles and James P. Gory.	
"	Motion to Set Aside Default and Notice of Motion, filed by defendants David T. Wiggins and Richard Woodhall.	
4/30	Hearing on (1) Plaintiff's Motion to Sever; (2) Defendants' Motion to Set Aside Default. Decision Reserved on Both Motions. Blumenfeld, J. M-5/2/73.	
5/4	Order endorsed on Plaintiff's Motion to Sever, as follows: "In view of the pendency of the plaintiff;s motion to convene a three-judge district court, action on this motion to sever will be deferred until after disposition of that motion." Blumenfeld, J. M-5/7/73 Copies mailed from Hartford to Plaintiff, Asst. Atty Gen. Della-Bitta and to Corp. Counsel Cosgrove.	
"	Order endorsed on Defendants' Motion to Set Aside Default, as follows: "No prejudice having inured to the plaintiff, the defendants' motion to set aside the default is granted for good cause shown." Blumenfeld, J. M-5/7/73 Copies mailed from Hartford to Plaintiff, Asst. Atty Gen. and to Corp. Counsel.	
5/15	Motion of Attorney General and Asst. Attorney General to Withdraw appearance for defendants David T. Wiggins and Richard Woodhall in their individual capacities only, and Notice of Motion, filed.	
5/15	Appearance of David C. Wiggin entered pro se with respect to his individual capacity.	
"	Appearance of Richard S. Woodhull, entered pro se with respect to his individual capacity.	
5/17	Motion of Richard M. Cosgrove, Deputy Corporation Counsel, for Permission to Withdraw appearance for Defendants James P. Herlihy, Edward Cowles, and James P. Gorry, in their individual capacities only, and Notice of Motion, filed.	
5/17	Appearances (3) of James P. Herlihy, Edward Cowles and James J. Corry entered pro se with respect to their individual capacity.	
5/29	Hearing on (1) Motion of Atty. General Killian and Asst. Atty. General Ahern to Withdraw appearance for defendants David T. Wiggin and Richard Woodhall in their individual capacities only; (2) Motion of Richard M. Cosgrove to Withdraw his appearance for defendants Herlihy, Cowles and Corry, in their official capacities only. "Granted" Blumenfeld, J. Copies mailed to all counsel.	
5/14	Brief on Motion to Dismiss and in Opposition to Application for Three-Judge Court, filed by defendants David C. Wiggin and Richard S. Woodhull.	
"	Motion to Dismiss as to Pro Se Defendants, filed by David C. Wiggin and Richard S. Woodhull, individually.	
"	Request to Clerk for Security for Costs Pursuant to Local Rule 7, filed by defendant Richard S. Woodhull, individually.	
"	Request to Clerk for Security for Costs Pursuant to Local	

DATE 1973	PROCEEDINGS	Date Order or Judgment Noted
	Rule 7, filed by defendant David T. Wiggins, individually.	
6/14	Request that Plaintiff deposit cash bonds or bond with sufficient surety in the sum of $250.00 as security for costs, filed by Defendants David T. Wiggins, in his capacity as Director of the State Health Department for the State of Conn.; and Richard Woodhall, in his capacity as Assistant to the Director of the State Health Department for the State of Connecticut.	
"	Order entered that plaintiff file a bond with sufficient surety in the sum of $250.00 pursuant to Rule 6. Markowski, C. M-6/14/73. Copies mailed. (David T. Wiggins, in his capacity as Director of State Health Dept. for the State of Conn.)	
"	Order entered that plaintiff file a bond with sufficient surety in the sum of $250.00 pursuant to Rule 6. Markowski, C. M-6/14/73. Copies mailed. (Richard Woodhall, in his capacity as assistant to the Director of the State Health Dept.)	
"	Order entered that plaintiff file a boud with sufficient surety in the sum of $250.00 pursuant to Rule 6. Markowski, C. M-6/14/73. Copies mailed. (Richard S. Woodhull, individually Richard Woodhall, individually)	
"	Order entered that plaintiff file a bond with sufficient surety in the sum of $250.00 pursuant to Rule 6. Markowski, C. M-6/14/73. Copies mailed. (David C. Wiggin, individually David T. Wiggins, individually)	
6/15	Request that Plaintiff deposit cash bonds or bonds with sufficient surety in the sum of $250.00 as security for costs, filed by defendants James P. Kerlihy in his capacity as Senior Public Health Sanitarian for the City of Hartford; Edward Cowles in his capacity as Housing Inspector for the City of Hartford; and James J. Gorry in his capacity as Chief Plumbing Inspector for the City of Hartford.	
"	Request that Plaintiff deposit cash bond or bond with sufficient surety in the sum of $250.00 as security for costs, filed by defendant Edward Cowles, individually.	
"	Request that Plaintiff deposit cash bond or bond with sufficient surety in the sum of $250.00 as security for costs, filed by defendant James J. Gorry, individually.	
"	Request that Plaintiff deposit cash bond or bond with sufficient surety in the sum of $250.00 as security for costs, filed by defendant James P. Kerlihy, individually.	
6/18	Order entered that plaintiff file a bond with sufficient surety in the sum of $250.00 pursuant to Rule 6. Markowski, C. M-6/18/73. Copies mailed. (Edward Coles, individually)	
"	Order entered that plaintiff file a bond with sufficient surety in the sum of $250.00 pursuant to Rule 6. Markowski, C. M-6/18/73. Copies mailed. (Edward Coles, as Housing Inspector for the City of Hartford)	
"	Order entered that plaintiff file a bond with sufficient surety in the sum of $250.00 pursuant to Rule 6. Markowski, C. M-6/18/73. Copies mailed. (James J. Gorry, individually)	
"	Order entered that plaintiff file a bond with sufficient surety in the sum of $250.00 pursuant to Rule 6. Markowski, C. M-6/18/73. Copies mailed. (James P. Cory , as Chief Plumbing Inspector for the City of Hartford)	
"	Order entered that plaintiff file a bond with sufficient surety in the sum of $250.00 pursuant to Rule 6. Markowski, C.	

(continued)

D. C. 110 Rev. Civil Docket Continuation STANLEY V. TUCKER v. DAVID T. WIGGINS, ind. and as Director State Health Department et al

DATE 1973	PROCEEDINGS	Date Order or Judgment Noted
	M-6/18/73. Copies mailed. (James P. Herlihy, individually)	
6/18	Order entered that plaintiff file a bond with sufficient surety in the sum of $250.00 pursuant to Rule 6. Markowski, C. M-6/18/73. Copies mailed. (James P. Herlihy, as Senior Public Health Sanitarian for the City of Hartford)	
6/26	Cash Bond in the amount of $250.00 deposited into the Registry of the Court. (filed by Plaintiff)	
6/25	Plaintiff's Brief in Opposition to Motions to Dismiss on File and Plaintiff's Supplemental Brief in Support of Application for Three-Judge Court, filed at Hartford.	
6/27	Pro-Se Defendants' (David T. Wiggins and Richard Woodhall) Motion to Dismiss as to Pro-Se Defendants, endorsed as follows: "Off." Blumenfeld, J. M-6/27/73. Copies mailed.	
~~7/16~~	~~Motion for Extension of Time for filing of pleadings until September 15, 1973 and Notice of Motion, filed by defendant.~~	
9/10	Hearing on (1) Application for Three Judge Court; and (2) Defendants' Motion to Dismiss. Decision Reserved. Blumenfeld, J. M-9/13/73	
10/12	Ruling on Motion to Dismiss, entered. The motion to dismiss the complaint for failure to state a claim upon which relief can be granted (Rule 12(b)(6), F.R.C.P., is granted.(*) The entire complaint is hereby ordered dismissed. Blumenfeld, J. M-10/15/73 copies mailed. (*Plaintiff's application for a three-judge court denied and that portion of his complaint is dismissed)	
10/16	Judgment entered that this action is dismissed for failure to state a claim upon which relief can be granted, with costs to the defendants. Markowski, C. M-10/16/73 Copies mailed.	
10/30	Notice of Appeal, filed by Plaintiff. Copies mailed.	
11/27	Designation of Record and Statement of Issues, filed by plaintiff.	

UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT

STANLEY V. TUCKER	:	
	:	
VS.	:	
	:	CIVIL NO. 15,574
DAVID T. WIGGINS,	:	
ET ALS	:	

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APPENDIX B

Rule 7.

BOND FOR COSTS ON APPEAL IN CIVIL CASES

Unless an appellant is exempted by law, or has filed a supersedeas bond or other undertaking which includes security for the payment of costs on appeal, in civil cases a bond for costs on appeal or equivalent security shall be filed by the appellant in the district court with the notice of appeal; but security shall not be required of an appellant who is not subject to costs. The bond or equivalent security shall be in the sum or value of $250 unless the district court fixes a different amount. A bond for costs on appeal shall have sufficient surety, and it or any equivalent security shall be conditioned to secure the payment of costs if the appeal is finally dismissed or the judgment affirmed, or of such costs as the court of appeals may direct if the judgment is modified. If a bond or equivalent security in the sum or value of $250 is given, no approval thereof is necessary. After a bond for costs on appeal is filed, an appellee may raise for determination by the clerk of the district court objections to the form of the bond or to the sufficiency of the surety. The provisions of Rule 8(b) apply to a surety upon a bond given pursuant to this rule.

APPENDIX C

Rule 2

(c) *Local Office.* No member of the bar of this court who does not have an office for the transaction of business in person within the District of Connecticut and no visiting lawyer admitted specially under Rule 2(e) not having an office for the transaction of business in person within the District of Connecticut shall appear as attorney or proctor of record in any cause without specifying on the record a member of the bar of this court having an office within the District of Connecticut, upon whom service of all papers shall be made.

Any party appearing *pro se* must (1) give the address within the District of Connecticut where service can be made in the same manner as service is made on an attorney or (2) designate in writing the clerk of the court to receive service and give the clerk an address where service can be forwarded.

APPENDIX D

Rule 7

SECURITY FOR COSTS; BOND ON REMOVAL

(a) *Costs.* At any time after the commencement of an action, each defendant is entitled on request to the clerk to an order to be entered by the clerk, as of course, for a deposit or bond with sufficient surety in the sum of $250.00 to be given within thirty days from the entry of such order. Additional or other security or justification of financial responsibility by any surety may be ordered by the court at any time during the pendency of the action for good cause shown on motion duly noticed.